



DEPARTMENT OF NATURAL RESOURCES

December 21, 2005

Hand Delivered

Mr. Gary Rainwater
AmerenUE
1 Ameren Plaza
1901 Chouteau Avenue
P.O. Box 66149, MC 602
St. Louis, MO 63166-6149

RE: Second Emergency Declaration: Taum Sauk Upper Reservoir Failure at Johnson Shut-Ins State Park - - EER Incident Number 051214-0620-LSR, Reynolds County

Dear Mr. Rainwater:

The Missouri Department of Natural Resources (department) is issuing this Emergency Declaration to AmerenUE based upon the department's emergency response and on-site investigation of the impact to Johnson Shut-Ins State Park and the Black River. The environmental issues related to this incident threaten waters of the state. Also, under authority of the Missouri Clean Water Law, Chapter 644, RSMo, the department is granted the authority and responsibility to ensure that reasonable actions are taken to eliminate the danger to public safety, health and the environment.

The department has determined this incident is an environmental concern and actions need to be taken to mitigate the impact to the environment. The department will continue to have an on-scene presence and conduct assessment activities in the Johnson Shut-Ins State Park area and the Black River. The project temporary office is at the park entrance and is the point of contact for the on-scene coordinator ("OSC"). The project temporary office phone number is (573)546-7192. Anyone entering the park will be required to sign in with the OSC.

The OSC continues to be the department's Emergency Response Unit (EER). The department's on site EER staff is Mr. Jackson Bostic (573) 840-9485 and Mr. Alan Reinkemeyer, the department's EER Section Chief (573) 526-3384.



Consistent with the December 18, 2005, Emergency Declaration for this matter, the Taum Sauk Phase I Action Response Plan submitted by AmerenUE to the department on December 19, 2005, and the technical meeting between the department, AmerenUE and several additional state and federal agencies examining the immediate needs of environmental stabilization of the incident site (Phase I actions), the department orders AmerenUE to take the following continued Phase I actions.

1. Immediately conduct Phase I debris removal in areas approved by the On-Scene Coordinator ("OSC"). Phase I removal areas are located directly along Route N at the front of the park, the park entrance road, day use parking lot, and paved trail to the shut-ins. Areas designated as environmental sensitive areas (such as wetland fen) which will be marked by the department shall be avoided during Phase I debris removal. All debris shall be removed off site for proper disposal. Timber debris may be chipped directly into appropriate vehicles for off site removal. For all debris removed off site, AmerenUE shall submit a disposal plan to the department for approval.
2. Submit to the department for approval as soon as practicable, but in no event later than December 22, 2005, at 5:00 p.m., a Plan of Action for removal of sediment and debris from the bin wall immediately above the lower reservoir in order to fully utilize the benefits of the bin wall to stop further sedimentation of the lower reservoir and Black River.
3. Submit to the department for approval as soon as practicable, but in no event later than December 22, 2005, at 5:00 p.m., a Plan of Action addressing immediate environmental threats posed by the scour hole, the associated rock/debris dam, and the sediment closure of the river channel immediately below the scour hole. The Plan of action should address, but not be limited to:
 - likely impacts precipitation events will have on the water pooled in the scour hole, the flow of the east fork of the Black River, and the surrounding areas;
 - the sedimentation impacts releases of water from the scour hole and surrounding area, whether naturally occurring or intentionally caused, may have upon the channalization and water quality of the East Fork of the Black River.
 - The impacts of intentionally releasing some water in the scour hole through notching and possible temporary use of the scour hole for sediment retention;
 - Implementation of check dams or other sediment reducing devices to avoid further sedimentation from the disturbed areas located between the upper reservoir and the East Fork of the Black River;
 - Proposed access routes required for all work indicated by the Plan of Action.

4. Submit to the department for approval as soon as practicable, but in no event later than December 22, 2005, at 5:00 p.m., a Plan of Action addressing potential sedimentation and flooding from surface water runoff entering the campground area of the park from the west and flowing to the east fork of the Black River;
5. Submit to the department for approval as soon as practicable, but in no event later than December 22, 2005, at 5:00 p.m., a Plan of Action for immediate monitoring of suspended sediment to document discharge, sediment, and water quality. The Plan of Action should address monitoring locations ranging from the East Fork of the Black River above Route N down to below Clearwater Lake.
6. Immediately remove for proper disposal the two empty fuel tanks, propane tank, and campground pad mounted transformer which have been disturbed by the released water and debris.
7. Complete Phase I restoration of the cemetery. Phase I restoration of the cemetery shall consist of hand removal of debris from the area and identification of any damage or dislocation of stones or markers. Subsequent restoration of the cemetery may include stone or marker and fence restoration as necessary.
8. Immediately remove, contain, and properly dispose all wastewater from the park sewage treatment lagoons to allow for an inspection of lagoon integrity.
9. Immediately begin to supply daily progress reports of work performed to the OSC.

All on-site actions of AmerenUE or its representatives or agents must be performed in a manner that avoids unnecessary further damage to the park. All access required to carry out activities required by this Second Emergency Declaration must be coordinated with, and approved by, the OSC. Consistent with instructions from the OSC, the park day use parking lot will be used for the equipment staging area. Any sediment requiring removal from the day use parking lot in order to use the area for staging equipment shall be removed off site.

Designated work times at the site will be during daylight hours to help ensure monitoring of personnel and site safety. Designated hours will be followed unless otherwise approved by the OSC. All work must be performed consistent with the on-site approved safety plan.

As you are aware, the department has already verbally instructed AmerenUE to undertake many activities, some of which are encompassed by this Second Emergency Declaration. It is our understanding that AmerenUE is proceeding with those verbal requests.

Mr. Gary Rainwater
Page Four

As we have discussed and stated in the initial Emergency Declaration for this incident, the State of Missouri holds AmerenUE responsible for this incident and any subsequent damage and cleanup. The cleanup and restoration will be conducted in several phases, many of which will need discussion and planning. As this incident progresses, additional phases of the environment and park restoration will be dictated for implementation in future discussions and correspondence. The protection and restoration of the natural and cultural resources in the park will dictate the departments recovery decisions. The department will demand that the Johnson Shut-Ins State Park be restored to conditions as designed and approved by the department. The department will require AmerenUE to pay all expenses, including the department's oversight and assistance during this incident.

Sincerely,

DEPARTMENT OF NATURAL RESOURCES

Original signed by Doyle Childers

Doyle Childers
Director

DC:ksd

c: Kurt Schaefer, MDNR Director's Office
Doug Eiken, MDNR Division of State Parks
Jeff Staake, MDNR Director's Office
Gary Gaines, SERO

Received on-site by:

AmerenUE

Name/Title

Date